

By: Wilson

H.B. No. 5379

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Williamson and Bell Counties
3 Municipal Utility District No. 1; granting a limited power of
4 eminent domain; providing authority to issue bonds; providing
5 authority to impose assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7972A to read as follows:

9 CHAPTER 7972A. WILLIAMSON AND BELL COUNTIES MUNICIPAL UTILITY

10 DISTRICT NO. 1

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7972A.0101. DEFINITIONS. In this chapter:

13 (1) "Board" means the district's board of directors.

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means Williamson and Bell Counties
18 Municipal Utility District No. 1.

19 Sec. 7972A.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 7972A.0103. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7972A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7972A.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 7972A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

13 (2) Section 52, Article III, Texas Constitution, that
14 relate to the construction, acquisition, improvement, operation,
15 or maintenance of macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 7972A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act enacting this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes
26 for which the district is created or to pay the principal of and
27 interest on a bond;

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7972A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7972A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7972A.0202. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Jamison Stewart;

11 (2) Ron Lusk;

12 (3) Paul Otte;

13 (4) Megan Turnipseed; and

14 (5) Roland Fagerberg.

15 (b) Temporary directors serve until the earlier of:

16 (1) the date permanent directors are elected under
17 Section 7972A.0103; or

18 (2) the fourth anniversary of the effective date of
19 the Act enacting this chapter.

20 (c) If permanent directors have not been elected under
21 Section 7972A.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 7972A.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a
3 majority of the assessed value of the real property in the district
4 may submit a petition to the commission requesting that the
5 commission appoint as successor temporary directors the five
6 persons named in the petition. The commission shall appoint as
7 successor temporary directors the five persons named in the
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7972A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 7972A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 7972A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 7972A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

3 (b) If a road project is not located in the corporate limits
4 or extraterritorial jurisdiction of a municipality, the road
5 project must meet all applicable construction standards,
6 subdivision requirements, and regulations of each county in which
7 the road project is located.

8 (c) If the state will maintain and operate the road, the
9 Texas Transportation Commission must approve the plans and
10 specifications of the road project.

11 Sec. 7972A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 54.016 or 54.0165, Water Code, and that
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7972A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
19 The district may issue, without an election, bonds and other
20 obligations secured by:

- 21 (1) revenue other than ad valorem taxes; or
22 (2) contract payments described by Section
23 7972A.0403.

24 (b) The district must hold an election in the manner
25 provided by Chapters 49 and 54, Water Code, to obtain voter approval
26 before the district may impose an ad valorem tax or issue bonds
27 payable from ad valorem taxes.

1 (c) The district may not issue bonds payable from ad valorem
2 taxes to finance a road project unless the issuance is approved by a
3 vote of a two-thirds majority of the district voters voting at an
4 election held for that purpose.

5 Sec. 7972A.0402. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 7972A.0401, the
7 district may impose an operation and maintenance tax on taxable
8 property in the district in accordance with Section 49.107, Water
9 Code.

10 (b) The board shall determine the tax rate. The rate may not
11 exceed the rate approved at the election.

12 Sec. 7972A.0403. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

18 (b) A contract approved by the district voters may contain a
19 provision stating that the contract may be modified or amended by
20 the board without further voter approval.

21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22 Sec. 7972A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, contract payments, grants, or other district money, or any
26 combination of those sources, to pay for any authorized district
27 purpose.

1 Sec. 7972A.0502. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 7972A.0503. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 SECTION 2. The Williamson and Bell Counties Municipal
13 Utility District No. 1 initially includes all the territory
14 contained in the following area:

15 355.8 ACRES OF LAND LOCATED IN THE ELISHA DAVIS SURVEY 23,
16 ABSTRACT 172, WILLIAMSON COUNTY, TEXAS, AND THE ELISHA DAVIS SURVEY
17 23, ABSTRACT 244, BELL COUNTY TEXAS, COMPRISED OF THAT CALLED
18 134.83 ACRE TRACT DESCRIBED IN DOCUMENT 2008000104, THAT CALLED
19 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, AND THAT CALLED
20 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 ALL OF THE
21 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 355.8
22 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23 BEGINNING, AT A FOUND 1" IRON PIPE ON THE NORTH RIGHT-OF-WAY
24 LINE OF COUNTY ROAD 307, THE SOUTHEAST CORNER OF SAID 110.51 ACRE
25 TRACT DESCRIBED IN DOCUMENT 2020077242, AND THE SOUTHWEST CORNER OF
26 A CALLED 114.33 ACRE TRACT DESCRIBED IN DOCUMENT 9641312 OF THE
27 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS;

1 THENCE, S 67°50'15" W, WITH THE COMMON LINE OF SAID 110.51
2 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID COUNTY ROAD
3 307, A DISTANCE OF 781.06 FEET TO A FOUND 1/2" IRON ROD WITH CAP
4 MARKED "RPLS 5784";

5 THENCE, S 50°10'30" W, WITH THE COMMON LINE OF SAID 110.51
6 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID COUNTY ROAD
7 307, AT A DISTANCE OF 308.92 FEET PASSING A FOUND 1/2" IRON ROD WITH
8 CAP MARKED "RPLS 5784" AT THE SOUTHWEST CORNER OF SAID 110.51 ACRE
9 TRACT DESCRIBED IN DOCUMENT 2020077242 AND THE SOUTHEAST CORNER OF
10 SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, CONTINUING
11 WITH THE COMMON LINE OF SAID COUNTY ROAD 307 AND SAID 110.51 ACRE
12 TRACT DESCRIBED IN DOCUMENT 2008000103, A TOTAL DISTANCE OF 632.18
13 FEET TO A FOUND COTTON SPINDLE;

14 THENCE, S 49°58'30" W, WITH THE COMMON LINE OF SAID 110.51
15 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103 AND SAID COUNTY ROAD
16 307, A DISTANCE OF 748.19 FEET TO A FOUND 1" SQUARE IRON PIPE AT THE
17 SOUTHWEST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT
18 2008000103, AND THE EAST LINE OF A CALLED 464.1 ACRE TRACT DESCRIBED
19 IN VOLUME 365, PAGE 115 OF THE DEED RECORDS OF WILLIAMSON COUNTY,
20 TEXAS;

21 THENCE, WITH THE COMMON LINES OF SAID 464.1 ACRE TRACT AND
22 SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, THE
23 FOLLOWING BEARINGS AND DISTANCES:

24 N 21°33'15" W, A DISTANCE OF 272.82 FEET TO A FOUND 1/2" IRON
25 ROD WITH CAP MARKED "RPLS 5784";

26 S 68°36'45" W, A DISTANCE OF 47.23 FEET TO A FOUND 5/8" IRON
27 ROD;

1 N 22°16'30" W, AT A DISTANCE OF 4362.66 FEET PASSING THE
2 NORTHWEST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT
3 2008000103 AND THE SOUTHWEST CORNER OF SAID 134.83 ACRE TRACT,
4 CONTINUING WITH THE COMMON LINES OF SAID 464.1 ACRE TRACT AND SAID
5 134.83 ACRE TRACT, A TOTAL DISTANCE OF 4414.09 FEET TO A SET 1/2"
6 IRON ROD WITH "CUDE" CAP;

7 THENCE, N 21°49'30" W, WITH THE COMMON LINES OF SAID 464.1
8 ACRE TRACT AND SAID 134.83 ACRE TRACT, A DISTANCE OF 59.24 FEET TO A
9 SET 1/2" IRON ROD WITH "CUDE" CAP;

10 THENCE, N 22°28'45" W, WITH THE COMMON LINES OF SAID 464.1
11 ACRE TRACT AND SAID 134.83 ACRE TRACT, A DISTANCE OF 2643.38 FEET TO
12 A SET 1/2" IRON ROD WITH "CUDE" CAP AT THE NORTHWEST CORNER OF SAID
13 134.83 ACRE TRACT, ON THE SOUTH LINE OF A CALLED 767 ACRE TRACT
14 DESCRIBED IN VOLUME 365, PAGE 115 OF THE DEED RECORDS OF WILLIAMSON
15 COUNTY, TEXAS AND THE NORTHEAST CORNER OF SAID 464.1 ACRE TRACT;

16 THENCE, N 67°04'15" E, WITH THE COMMON LINE OF SAID 134.83
17 ACRE TRACT AND SAID 767 ACRE TRACT, A DISTANCE OF 890.64 FEET TO A
18 FOUND NAIL ON CEDAR POST AT THE COMMON CORNER OF SAID 767 ACRE TRACT
19 AND A 415.66 ACRE TRACT DESCRIBED IN VOLUME 798, PAGE 146 OF THE
20 DEED RECORDS OF BELL COUNTY, TEXAS, AN ANGLE POINT ON THE NORTH LINE
21 OF SAID 134.83 ACRE TRACT;

22 THENCE, N 68°25'45" E, WITH THE COMMON LINE OF SAID 134.83
23 ACRE TRACT AND SAID 415.66 ACRE TRACT, A DISTANCE OF 1335.71 FEET TO
24 A FOUND 1" SQUARE IRON PIPE AT THE NORTHEAST CORNER OF SAID 134.83
25 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 114.33 ACRE TRACT;

26 THENCE, S 21°42'45" E, WITH THE COMMON LINE OF SAID 134.83
27 ACRE TRACT AND SAID 114.33 ACRE TRACT, A DISTANCE OF 2336.96 FEET TO

1 A FOUND 1/2" IRON ROD WITH CAP MARKED "RPLS 5784";

2 THENCE, S 25°45'46" E, WITH THE COMMON LINE OF SAID 134.83
3 ACRE TRACT AND SAID 114.33 ACRE TRACT, AT A DISTANCE OF 42.61 FEET
4 PASSING THE SOUTHEAST CORNER OF SAID 134.83 ACRE TRACT AND THE
5 NORTHEAST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT
6 2020077242, AND CONTINUING WITH THE COMMON LINE OF SAID 110.51 ACRE
7 TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE TRACT,
8 A TOTAL DISTANCE OF 157.87 FEET TO A SET 1/2" IRON ROD WITH "CUDE"
9 CAP;

10 THENCE, S 20°18'23" E, WITH THE COMMON LINE OF SAID 110.51
11 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE
12 TRACT, A DISTANCE OF 552.12 FEET TO A FOUND COTTON SPINDLE;

13 THENCE, S 21°37'15" E, WITH THE COMMON LINE OF SAID 110.51
14 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE
15 TRACT, A DISTANCE OF 3920.82 FEET TO THE POINT OF BEGINNING AND
16 CONTAINING 355.8 ACRES OF LAND, MORE OR LESS.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 4. (a) If this Act does not receive a two-thirds
9 vote of all the members elected to each house, Subchapter C, Chapter
10 7972A, Special District Local Laws Code, as added by Section 1 of
11 this Act, is amended by adding Section 7972A.0306 to read as
12 follows:

13 Sec. 7972A.0306. NO EMINENT DOMAIN POWER. The district may
14 not exercise the power of eminent domain.

15 (b) This section is not intended to be an expression of a
16 legislative interpretation of the requirements of Section 17(c),
17 Article I, Texas Constitution.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.